



May 18, 1999

Ms. Kathleen Wesskopf
Assistant City Attorney
City of Arlington Texas
P. O. Box 1065
Arlington, Texas 76004-1065

OR99-1363

Dear Ms. Wesskopf:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124229.

The City of Arlington (the "city") received a request for "arrest, offense, witness address [sic]" to help locate a particular individual. You submitted information responsive to the request to this office. You claim that Exhibit B is excepted from disclosure under section 552.101 of the Government Code. You represent that you will release "front page" information concerning Exhibit C, and you assert that the remainder of Exhibit C is exempt from disclosure under section 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses common-law privacy and excepts from disclosure private facts about an individual. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Information may be withheld from the public when (1) it is highly intimate and embarrassing such that its release would be highly objectionable to a person of ordinary sensibilities, and (2) there is no legitimate public interest in its disclosure. *Id.* at 685; Open Records Decision No. 611 at 1 (1992). You must withhold the marked portions of Exhibit B from disclosure under section 552.101 in conjunction with common-law privacy.

You also argue that section 552.108 protects the information in Exhibit C that you have withheld from disclosure. You represent that Exhibit C involves an open investigation and that prosecution is pending. Section 552.108 of the Government Code excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor
that deals with the detection, investigation, or prosecution of crime . . .
if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

....

(c) This section does not except from [public disclosure] information that is basic information about an arrested person, an arrest, or a crime.

Because you have informed us that the records in Exhibit C pertain to a pending criminal investigation, we conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. Therefore, we conclude that, except for the front page information in Exhibit C, the city may withhold the remaining requested information in Exhibit C from disclosure under section 552.108(a)(1).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS\nc

Ref: ID# 124229

Encl: Submitted documents

cc: Mr. Jess Wallace
D.I. Investigations
P.O. Box 380988
Duncanville, Texas 75138
(w/o enclosures)